



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONSTRUCTION CODES COORDINATING BOARD**

**CONSTRUCTION CODES COORDINATING BOARD
MINUTES OF REGULAR MEETING
Thursday, September 19, 2019
Department of Fire and Emergency Medical Services
1100 4th Street, S.W. – 7th Floor Conference Room
Washington, DC 20024
10:30 am—12:30 pm**

Members Present	Board Members Not Present	Board Staff Present	Other Persons Present
Jill Stern, Chair	Kellie Farster		Jon Kuhl, DCRA
Marc Fetterman, Vice Chair	Armando Lourenco		Randi Marshall, AOBA
Chris Bailey (by phone)			
Matthew Borger			
Joel Causey (by phone)			
David Epley			
Tony Falwell			
Casey Studhalter			
Garret Whitescarver			
Jason Wright			

1. Preliminary Matters

i Call to Order and Roll Call

Upon establishing a quorum, the meeting was called to order by Jill Stern, Chair, at 10:50 am with a roll call of members and other persons present.

ii Adoption of Meeting Agenda

The meeting agenda was unanimously approved upon motion made by Jason Wright and seconded by Casey Studhalter.

iii Review & Approval of Meeting Minutes

The meeting minutes for the Thursday, September 5, 2019 Special Meeting were approved unanimously upon motion made by Matthew Borger and seconded by Joel Causey.

2. 2017 District of Columbia Construction Codes

Jill Stern advised the Board that she had spoken with the Office of the Attorney General to confirm her understanding that the Board has discretion to conclude after review of the public comments that a Third Notice of Proposed



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Rulemaking is not warranted, given the compelling public interest reasons to move forward expeditiously with adoption of the 2015 model codes; these public interest reasons include the public interest need to adopt more modern building, energy conservation and fire safety provisions, also taking into consideration the public nature of the code development process (which has spanned 4 years) and the need for the District of Columbia to be consistent with the neighboring jurisdictions which have already adopted or are close to adoption of the 2018 model codes. OAG also confirmed that the CCCB can decide to consider any of the comments as a post adoption amendment (in lieu of issuing a Third NPR.) Based on her discussions with OAG, she clarified her further understanding that the CCCB and the TAGs cannot categorically dismiss comments as untimely on the grounds that they go beyond changed text in the Second NPR unless the notice preamble specifically states that comments should be limited to the changed text. However, she understands, based on OAG advice, that the CCCB can reasonably decide, as stated above, to defer consideration and address those comments in a subsequent rulemaking after code adoption.

Given her discussions with OAG, Jill Stern asked all of the TAG Chairs to confirm: (1) all public comments had been reviewed; and (2) based on this review a determination had been made whether or not each comment had merit, and, if so, whether the proposed code change should be addressed in a Third Notice or in a subsequent rulemaking after adoption of the proposed 2017 Construction Codes. Marc Fetterman pointed out that an additional option is where the proposed code change is so complex that it needs to be addressed in the next code development cycle (and not as an amendment to the 2017 Codes).

Each of the TAG Chairs confirmed that their TAGs had met, and concluded that none of the public comments submitted in response to the Second NPR warranted issuance of a Third NPR. Tony Falwell noted however that the public comments had pointed out an issue with Fire Code Section 906.1, specifically that the proposed deviation from model code language creates an issue that needs to be addressed immediately. After discussing this issue, the Board consensus was that Section 906.1 should be conformed to the model code language (i.e., the local DC amendment should be conformed to the 2018 IFC) and that the preferable way of handling this change should be an emergency rulemaking issued immediately upon adoption of the 2017 Construction Codes. Jill Stern noted that another possibility might be to issue a Third Notice only as to the Fire Code (with the proposed Section 906.1 revision) concurrently with the Council Approval Resolution transmittal, an approach that was used during the 2008 Construction Code adoption process. However, Jon Kuhl expressed concerns about this approach without further discussion with the Mayor's Office of Policy and Legislative Affairs.

The Board was not prepared to take a vote on whether or not to issue a Third NPR until the following Board meeting, since at least one of the TAGs (Green/Commercial Energy) planned to meet again before the September 24, 2019 CCCB Meeting.

Jill Stern asked each of the TAG Chairs to compile a list of code changes to be considered in a subsequent rulemaking after adoption of the 2017 Construction Codes (referred to as an out of code cycle amendment). She noted that she had circulated a draft list of proposed out of code cycle amendments to the Board members based on her discussions with TAG Chairs, and her participation in various TAG meetings.

Jill Stern also asked the TAG Chairs to let her know as quickly as possible of any revisions in the nature of typographical or grammatical errors that could be handled as a Correction issued by ODAI. She directed the Board's attention to the draft Correction document that was circulated in the meeting materials where she had included the errors that have been brought to her attention so far.



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3. New Code Development Cycle.

Jill Stern advised the Board that she had met with the DCRA Communications Team and the CBO to discuss issues relating to rollout of the 2017 Construction Codes, as well as infrastructure changes needed to support a new code development cycle such as changes to the DCRA website to facilitate online and fillable code change forms, online databases, and customer relationship management (CRM) tracking, so that code change proposals and comments can be submitted online and tracked.

Jill Stern noted to the Board that, based on DCRA feedback, the agency is working to enable her to continue her service after October 1.

4. Other Matters

The following changes were made to the TAG Membership:

1. Sidney Lester was removed from the Mechanical TAG by unanimous vote upon motion made by Marc Fetterman and seconded by Chris Bailey.
2. Lynn Underwood was removed from the Residential TAG by unanimous vote upon motion made by David Epley and seconded by Jason Wright.
3. Trevor Cone was removed from the Flood Hazard Special Committee by unanimous voted upon motion made by Marc Fetterman and seconded by Tony Falwell.

5. Comments by Members of the Public

Randi Marshall of AOBA indicated that she was comfortable with the TAGs recommendations to address AOBA concerns in an out of code cycle amendment.

6. Adjournment

The meeting was adjourned at 12:30 p.m. The next Board meeting is scheduled for September 24, 2019.